



#4/

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Douglas CLAFFEY et al.

Appln. No.: 09/332,760

Atty. Dkt. No.: 2493

Filed: June 14, 1999

Group Art Unit: 2123

Conf. No.: 3302

Examiner: H. Jones

Title: *Method And Apparatus For
Determining Obscuration Of
Sensors That Are Mounted On
A Spacecraft*

RECEIVED
JUL 08 2002
Technology Center 2100

* * * * *
PETITION UNDER 37 C.F.R. § 1.181
* * * * *

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUL 26 2002

Dear Sir:

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Applicant petitions from the Examiner's refusal to examine the application as to the prior art. Applicant respectfully requests early and full examination of the application on its merits, including the prior art.

BACKGROUND

In the Office Action dated January 30, 2002, the Examiner declined to analyze the claims with respect to the prior art, or to even search the prior art, for the reason that the claims are allegedly too indefinite and incomplete.

During the in person interview of April 9, 2002, the Examiner was requested to re-consider the refusal to examine the application with regard to prior art. The Examiner declined to

Date: June 28, 2002

07/05/2002 MBERHE 00000020 09332760 130.00 OP
01 FC:122

reverse his position during the interview.

Applicant respectfully petitions from these refusals to fully examine the merits of the application.

REASONING

The Examiner's refusal to analyze the claims with respect to the prior art, or to even search the prior art, is contrary to published policy of the U.S. Patent and Trademark Office (PTO).

It is published PTO policy to deny search in an application only in the case of applications so grossly informal as to be incomprehensible. See M.P.E.P. § 702.01 (8th ed. 2001). That does not apply in the case of the present application, which conforms with requirements of 35 U.S.C. § 112, ¶ 1st. The reasons why this is so are explained in detail in the Remarks to the Amendment filed herewith. Piecemeal examination is against published PTO policy. *Id.* at § 707.07(g).

CLOSING

Applicant respectfully submits that the Examiner's refusal to search and analyze the prior art is not appropriate and requests that the claims be fully examined, including search of the prior art and analysis with respect to the prior art.

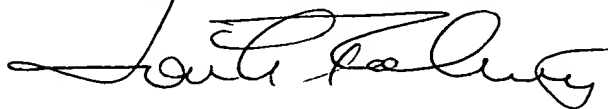
A check for the petition fee of \$130.00 is submitted herewith. The Director of Patents and Trademarks is authorized to charge any fee deemed necessary for consideration of this

PETITION UNDER 37 C.F.R. § 1.181
Serial No. 09/332,760

PATENT APPLICATION

petition, or deposit any credit balance if no fee is deemed to be
necessary, to to Deposit Account No. 18-1579.

Respectfully submitted,



Jon L. Roberts, Ph.D.
Reg. No. 31,293

ROBERTS ABOKHAIR &
MARDULA, LLC
11800 SUNRISE VALLEY DR.
SUITE 1000
RESTON, VA 20191
(703) 391-2900